

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE**

**MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929**

**WP(C).No. 13741 of 2006(J)**  
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**AGAINST THE ORDER IN EP. 392 /2005 IN  
OS.1051/1999 of PRL.M.C.,TRIVANDRUM**  
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**PETITIONERS:**  
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- 1. T.S. CHANDRAKUMAR, S/O.R.SULOCHANA DEVI,  
AGED 42, RESIDING AT CHITHIRA, KARUMAM,  
THIRUVANANTHAPURAM.**
- 2. T.S. SATHEESHKUMAR, S/O.R.SULOCHANA DEVI  
AGED 39, RESIDING AT CHITHIRA, KARUMAM,  
THIRUVANANTHAPURAM.**

**BY ADV. SRI.R.T.PRADEEP  
SRI.V.VIJULAL**

**RESPONDENTS:**  
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- 1. P. SWAMINATHAN,  
T.C.38/2218, ANGALAMMANKOVIL THERUVU, CHENTHITTA,  
ARYASALA, THIRUVANANTHAPURAM.**
- 2. R. SULOCHANA DEVI, D/O. RUKMINI PADMAM,  
MANKARATHOPPU, PAPPANAMCODE, THIRUVANANTHAPURAM.**

**BY ADV. SRI.BLAZE K.JOSE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF JUDGMENT DTD. 31/08/2002 IN O.S.NO.1031/99 BY THE COURT OF PRINCIPAL MUNSIFF'S COURT, THIRUVANANTHAPURAM.
- EXT.P2: COPY OF E.P.392/05 IN O.S.NO.1051/99 DTD. 1/08/2005 FILED BEFORE THE ...DO....
- EXT.P3: COPY OF OBJECTION DTD. 28/10/2005 FILED BY 1ST RESPONDENT BEFORE THE MUNSIFF'S COURT, THIRUVANANTHAPURAM.
- EXT.P4: COPY OF PROOF AFFIDAVIT DTD. 25/01/2006 FILED BY ..DO..DO....
- EXT.P5: COPY OF PROOF AFFIDAVIT DTD. 21/12/2005 FILED BEFORE THE ...DO....DO....
- EXT.P6: COPY OF ORDER DTD. 6/03/2006 IN E.P.392/05 IN O.S.NO.1051/99 OF THE PRINCIPAL MUNSIFF'S COURT, THIRUVANANTHAPURAM.
- EXT.P7: COPY OF JUDGMENT DTD. 29/03/2006 IN WP(C) NO.9584/06 OF THIS HON'BLE COURT.
- EXT.P8: COPY OF E.A.NO.411/2006 IN E.P.NO.392/2005 DTD.5/04/2006 FILED BEFORE THE MUNSIFF'S COURT, THIRUVANANTHAPURAM.
- EXT.P9: COPY OF ORDER DTD. 10/04/2006 IN E.A.NO.411/06 IN E.P.NO. 392/2005 OF THE ...DO.....

/TRUE COPY/

KSS



**PIUS C. KURIAKOSE, J.**

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**W.P.(C) NO. 13741 of 2006**  
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**Dated this the 2<sup>nd</sup> day of July 2007**

**JUDGMENT**

Service is complete. The respondents decree holder appears through counsel.

2. Heard both sides. The learned counsel for the petitioners is not in a position to affirm whether the petitioners have complied with the condition imposed by this court on 13.3.2007 that the petitioners shall pay Rs.10,000/- towards the decree debt. On going through the interim order dated 13.3.2007, it is seen that this court had not stipulated any date for making the above payment.

3. Having regard to the submissions addressed before me by Sri.R.T.Pradeep, the learned counsel for the petitioners and those of the learned counsel for the respondents, I am of the view that this writ petition itself can be disposed of issuing the following directions:

The petitioners shall pay a sum of Rs.10,000/- towards the decree debt on the 1st day of August 2007 and thereafter will continue to pay on the first day of every succeeding month at the rate of Rs.5,000/-(The rate already permitted by the Execution Court). It is made clear that if the petitioners defaults remittance of any of the instalments indicated above, they will forfeit the above benefits and under such an eventuality, it will be open to the Execution Court to issue coercive process so as to enable the respondents to recover the entire amount in a lump.

**PIUS C. KURIAKOSE,  
JUDGE.**

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